

REMARKS

INTRODUCTION

In accordance with the foregoing, claims 1, 6, 7, 8, 15, 27, 31-33 and 36-44 have been amended, and claims 19-21 have been canceled, without prejudice or disclaimer. No new matter is submitted.

Claims 1-18 and 22-44 are pending, with claims 1-8, 15-18, 27-33, and 39-44 being under consideration.

OBJECTION TO CLAIMS

In view of the above canceling of claims 19-21, withdrawal of the outstanding objection to claims 6-8 is respectfully requested.

REJECTIONS

Claims 1-5, 15-18, and 27-30 stand rejected under 35 U.S.C. 102(b) as being anticipated by Ogihara, US Publication No. 2002/0075780; and claims 6-8, 31-33 and 39-44 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Ogihara. These rejections are respectfully traversed.

By way of review, and only as an example, independent claim 1 sets forth:

A recording medium type discriminating apparatus, comprising:
a radio frequency (RF) amplifier to output a signal based on light reflected from a recording medium;
a wobble amplitude detector to detect an only one amplitude of a wobble formed on the recording medium based on an output signal of the RF amplifier to discriminate a recording medium type of the recording medium; and
a system controller to discriminate the recording medium type of the recording medium by comparing the wobble amplitude with a pre-set wobble amplitude reference value.

It is respectfully submitted that Ogihara fails to disclose or suggest all the claimed features of independent claim 1. In addition, it is respectfully submitted that independent claims 6, 7, 8, 15, and 27 include at least similarly allowable features, with differing scope and breadth.

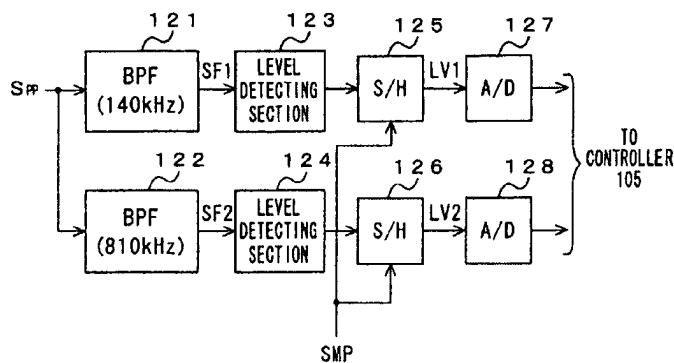
Referring to FIG. 3 of Ogihara, shown below, Ogihara sets forth a technical feature of the requirement to detect two amplitude levels LV1 and LV2 of the output signals SF1 and SF2 extracted from the push-pull signal S_{pp} for disc type detection. However, independent claim 1 sets forth a detecting of only one amplitude of a wobble formed on the recording medium for

such a recording medium type determination. That determination is then made by comparing that same amplitude with a pre-set wobble amplitude reference value.

The detection, and corresponding use, of two amplitude levels LV1 and LV2 of Ogihara is not the same as the claimed detection and use of the claimed one amplitude of the wobble to determine a recording medium type.

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More particularly, as explained in paragraph [0036] of Ogihara, the controller 105 identifies a disc type by first comparing two detection amplitude levels LV1 and LV2 (generating "a result" of their comparison), and then selectively compares either of the detected amplitude levels with a predetermined level based on the comparison of the two detected amplitude levels.

Thus, in Ogihara, two detected amplitude levels are necessary for any disc type detection.

Conversely, independent claim 1 sets forth a system controller that discriminates a recording medium type of the recording medium by detecting "only one wobble amplitude" to determine a recording medium type, and directly comparing that same wobble amplitude with a pre-set wobble amplitude reference value for the determining of the recording medium type.

That is, since Ogihara discloses a technical feature of requiring the detection and comparison of two amplitude levels, and never discloses or suggest that either of the detected amplitude levels could be singularly detected or compared to the predetermined level for a disc type determination.

Accordingly, Ogihara cannot be interpreted as setting forth at least the claimed: "a wobble amplitude detector to detect an only one amplitude of a wobble formed on the recording

medium based on an output signal of the RF amplifier to discriminate a recording medium type of the recording medium; and a system controller to discriminate the recording medium type of the recording medium by comparing the wobble amplitude with a pre-set wobble amplitude reference value."

Therefore, it is respectfully submitted that Ogihara fails to disclose or suggest all the claimed features of at least independent claims 1, 6, 7, 8, 15, and 27. It is further respectfully submitted that claims depending from independent claims are equally allowable or both their respective features and their dependence from allowable base claims.

Withdrawal of these rejections is respectfully requested.

CONCLUSION

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

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By: _____

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